Before the Federal Communications Commission Washington, D.C. 20554

In the Matter of)	
Amendment of Service and Eligibility Rules for FM Broadcast Translator Stations)))	MB Docket No. 07-172 RM-11338
)	

Comments to: NOTICE OF PROPOSED RULE MAKING (NPRM)

Filed by: Bart Walker, President, WGNS (AM), Murfreesboro, Tennessee Owner, W263AI, Murfreesboro, Tennessee

Date: January 3, 2008

I commend the Federal Communications Commission on this NPRM to allow AM broadcasters to fill-in its service-area, with specific technical parameters, using FM translators. As has been documented, man-made interference is destroying AM service in large sections of most communities. In addition, sky wave interference creates even greater problems starting approximately two-hours before sunset and continuing until around two-hours after sunrise.

As the Commission included under *BACKGROUND* in the NPRM to which this comment is filed, "*AM radio was this country's first national medium of electronic mass communications...The AM service was a unifying force throughout the country...it revolutionized the fabric of our daily lives, our dialogue and our democracy." This <u>proven</u> record of accomplishment of local service by AM broadcasters is a strong reason to approve revisions in regulations that allow AM licensees to utilize FM translator(s) to fill-in the AM's city grade daytime contour.*

Specific comments to the Federal Communications Commissions' NPRM

- C. Expansion of Purpose and Permissible Service of FM Translators 18. Regarding the Commission's proposed revisions to Sections 74.1201, 74.1231, 74.1232, 74.1263 and 74.1284.
- a. If adopted, should rule changes be effective at once or phased-in: The rule changes should definitely become effective at once.

- b. If changes are to be phased-in over time, in what manner should the Commission phase-in the new rules proposed in this NPRM: There is no reason to phase-in the benefits of this NPRM. In reality, a *natural phase-in* will occur. The AM broadcasters who would benefit from immediate approval either already own a translator(s) that meet the technical standards set forth in this NPRM or have access to translator(s) through purchase or other arrangements. There would be NO BENEFIT to phasing in those stations. In fact, a phase-in has the potential to harm the health and welfare of the public. A phase-in would keep the public from receiving needed emergency weather information, school-closing news, coverage of local school sporting events, interviews and debates on local issues and more. All AM broadcasters who are able to use FM translators that meet the Commission's technical requirements should be able to submit that data and be granted immediate approval. Those AM stations now using FM translator(s) with an STA should be granted immediate approval without submitting additional data, since their technical proof has already been submitted and approved by the Commission. The remaining AM broadcasters will be phased in through a natural process. Those AM licensees would complete engineering studies to find usable FM translator(s) channel(s), and then apply for translator(s) in such a manner as to meet the technical requirements of this NPRM.
- c. Would it be appropriate to place any limits on AM licensees' ability to use FM translators as fill-in service depending on their ownership of FM stations in the same market as the AM station? NO, each individual AM station has the responsibility to serve the people who reside in its city of license. Granting all AM stations the opportunity to apply for FM translators to be used by the AM station will encourage more local programming to meet the needs of the community.
- d. What is the appropriate number of fill-in translators? The number would be different with each AM station, since each AM's 2 mV/m daytime contour would each be different. When you look at the coverage area of a non-directional AM station and compare it with the myriad of different possibilities of directional patterns, the number of FM translators needed to comply with the technical aspects of this NPRM varies greatly. In an ideal world where the best use of spectrum is utilized, the Commission should consider allowing AM broadcasters to place the FM translator antenna at a suitable height and run the needed power to cover the lesser of (1) the AM's 2 mV/m daytime contour or (2) within a 25-mile radius of the AM tower site, as long as harmful interference is not given to already licensed services.
- e. The Commission's FM translator rules generally prohibit a translator station from receiving any financial support from a commercial FM station, etc. It would NOT be in the public's interest to change this rule for FM translators that are re-broadcasting an AM station.
 - **f.** could not find an "f" listing in the NPRM

- g. Is it appropriate to allow licensees of AM daytime-only and Class C stations to simulcast and/or originate programming over an LPFM station as a fill-in service similar to the proposed FM translator during periods when the AM station is not broadcasting at its authorized daytime power? Yes, as long as the LPFM's signal meets the perimeters outlined for FM translators under this NPRM. This NPRM is designed to allow AM licensees to better serve the health and welfare of residents within its city of license. It must be noted that AM broadcasters have established a strong track record of local service and local programming over the years. It should not matter whether the AM radio station's programming is rebroadcast on an FM translator or LPFM, the criteria should however remain that the FM signal should always be the lesser of (1) the AM's 2 mV/m daytime contour or (2) within a 25-mile radius of the AM tower site, as long as harmful interference is not given to already licensed services.
- **D. Program Origination Issue:** AM daytime only stations should also be allowed to originate programming after sunset and before sunrise on an FM translator(s). This could be easily accomplished in two ways: (1) simply waive the rules and allow AM daytime stations to originate nighttime programs on the FM translator(s) on which it is licensed to rebroadcast the daytime AM signal; or (2) grant AM daytime licensees that have <u>NO</u> allowable nighttime power to operate at night with a power level <u>less</u> than 1-watt. This low level of power should not create an interference problem on the medium-wave band. This approach would authorize each AM licensee with a *miniscule* amount of nighttime power. Thus, the daytime only AM station would not be originating programming that is broadcast outside of its licensed "on air hours".

E. Technical Issues

- a. Should the proposed rule change allow some *de minimis* portion of the FM translator's 60 dBu contour to extend outside the 2 mV/m daytime contour of the AM station, and if so, to what portion? The goal should be to allow the FM translator to cover as much of the AM station's daytime contour as possible. Unfortunately, you cannot stop a radio signal at the city limits, state line or where the 2 mV/m AM signal is measured. Therefore, either allow waivers of the AM's 2 mV/m contour limitation, or require that 80 per cent of the primary service contour of the FM translator be within the 2 mV/m daytime contour of the AM station.
- b. Should the proposed rule change be uniform through the country...? YES
- c. How should measured conductivity be done? Measured conductivity showing the calculated 2 mV/m daytime contour of the AM station should be allowed. The procedure should be done in the same way that has been historically accepted in other applications made to the Federal Communications Commission. Signal strength readings should be submitted

only by licensed engineers using FCC accepted measuring instruments and with all signal strength measurements being made in accordance to acceptable standards.

Again, the Federal Communications Commission should be applauded for this NPRM that will serve the health and welfare of citizens by allowing AM radio licensees to fill-in their city grade daytime contour with the use of FM translator(s).

As the Commission implied in its BACKGROUND statement about the AM radio service, AM has a <u>proven</u> track record that has "revolutionized the fabric of our daily lives, our dialogue and our democracy." Just as the Commission feels, broadcasters <u>must</u> have a commitment to localism! In reality, localism is what keeps the AM service viable today. Most AM broadcasters have a proven track record of local service!

Over the past decades, the Commission has exercised *due diligence* in technical efforts to improve the AM service. Despite these efforts, problems such as poorer audio quality due to bandwidth, man-made and natural interference destroying AM signals, along with preconceived negatives against AM in the minds of the majority of the population has brought about a major shift of listeners <u>off</u> the AM band. Despite this, AM service has remained viable because of <u>localism</u>. Rather than placing AM stations with a <u>proven record of localism</u> on the *back burner* in favor of LPFM or other yet unnamed concepts, we respectfully request that the FCC move forward and allow AM broadcasters the use of FM translators to fill-in their local daytime service contour in accordance with the technical specifications set forth in this NPRM.

In conclusion, it would also be in the public's interest if the Commission considered making these "fill-in FM licenses for AM broadcasters" a PRIMARY service. There are many communities where the AM radio station is the only source of local news and emergency information needed for the health and welfare of its residents. It does not seem that it would be in the public's best interest to allow this service to be eliminated by prospective broadcasters, or those in distant communities, or by those who are not licensed and thus do not have any proven *service of localism*. By making these fill-in licenses that are used by AM broadcasters PRIMARY status, the public would be assured of continued superior locally directed programming. It would also not keep potential licensees in other geographic areas from filing. It would force an alternative frequency be located before another license is granted. In other words, the same procedure done with current PRIMARY licensees. Finally, if the Commission changes regulations dealing

with third channel adjacencies, and <u>if</u> the frequency on which an AM licensee's FM translator is located is available for an upgrade to a full-power facility, the AM licensee should be given a protected opportunity to even better serve the city of license with this improvement.

Respectfully Submitted,

Bart Walker President Rutherford Group, Inc. Licensee of WGNS (AM) Murfreesboro, TN

And owner of FM translator W263AI, Murfreesboro.

WGNS (AM) was granted an STA by the Commission on February 13, 2007, to rebroadcast its signal on W263AI, owned by Bart Walker, and W270AF, owned by Great Southern Broadcasting, Inc. Both translators are licensed to Murfreesboro, TN and meet the technical requirements set forth in RM-11338 as well as the FCC's NPRM. The use of these translators has already brought dramatic positive response from the public. Within four hours after placing WGNS' (AM) programming on these two FM translators, March 1, 2007, the National Weather Service issued a tornado warning. The Murfreesboro City Schools decided to close early, and the translators served as a vital tool to notify the public. Over the past nine-months, the community has become more aware that they can receive local programming on these FM channels. Three days ago, WGNS began its sixty-first year of creating local programming to serve those who live in Murfreesboro, Tennessee. Over the past nine-months, for the first time in over 6-decades, <u>all</u> of our city of license has been able to clearly receive local high school, middle and elementary school sports broadcasts, along with daily obituary broadcasts, daily local talk programs where our city and county mayors, police chief, sheriff, legislators and other community leaders are able to interact with citizens through this improved service of local broadcasting. Thanks to these current STA's, this year, all residents of Murfreesboro will be able to hear WGNS' sixty-first year of the only "live" coverage of election returns in Rutherford County. We plan to add RDS on the FM translators, something that is not available with AM service. RDS will allow WGNS to place text messages on RDS equipped FM receivers about school closings, weather warnings, local emergencies, and other data needed instantly by citizens who live in Murfreesboro, Tennessee.

To paraphrase the U.S. Army's slogan, "The use of FM translators allows AM broadcasters to <u>improve localism</u> and be <u>all</u> that they can be".